

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1056

Citations Affected: IC 1-2-3-6; IC 20-10.1.

Synopsis: Conference committee report for EHB 1056. State and American flags; national motto; Pledge of Allegiance; moment of silence. Specifies that a worn out state flag should be disposed of in a dignified way. Authorizes a public school corporation to display the motto of the United States, "In God We Trust", in a conspicuous place in the main entrance of each building of the school corporation. Authorizes the display of a United States flag and a state flag in each classroom of a school corporation and allows a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance, with an exemption for those students who choose (or whose parents choose for them) not to participate. Allows a school corporation to establish the daily observance of a brief period of silence in each classroom. Provides that if the governing body of a school corporation has not established a policy concerning the Pledge of Allegiance or a period of silence, a principal or teacher may establish a policy. Repeals a current law allowing an optional brief period of silent prayer or meditation. **(This conference committee report removes language requiring the attorney general to defend all suits challenging the constitutionality of the display of the motto, the recitation of the Pledge, and the moment of silence.)**

Effective: Upon passage; July 1, 2003.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1056 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 1-2-3-6 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2003]: **Sec. 6. A state flag, when it is in such condition that it is no**
- 5 **longer a fitting emblem for display, should be destroyed in a**
- 6 **dignified way in the manner prescribed for the destruction of an**
- 7 **American flag.**
- 8 SECTION 2. IC 20-10.1-2-7 IS ADDED TO THE INDIANA CODE
- 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]: **Sec. 7. (a) As used in this section, "motto"**
- 11 **refers to the national motto of the United States as adopted by**
- 12 **Congress, as defined by the U.S.C. Title 36, Subtitle I, Part A,**
- 13 **Chapter 3, Sec. 302.**
- 14 **(b) The governing body of each school corporation may display**
- 15 **the motto:**
- 16 **(1) in English;**
- 17 **(2) in such a manner that the wording is legible to most people**
- 18 **from a distance of twenty (20) feet; and**
- 19 **(3) in a conspicuous place in the main entrance of each building**
- 20 **of the school corporation.**
- 21 **(c) The display must include:**
- 22 **(1) the phrase "The National Motto of the United States of**

1 America, adopted by Congress"; and
 2 (2) the date of adoption of the motto by Congress;
 3 as part of the display.

4 (d) The governing body of a school corporation may not use any
 5 public funds to pay the costs of a display under this section if
 6 donations are available for payment of the costs.

7 SECTION 3. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. (a) The United States flag and**
 10 **the Indiana state flag may be displayed in each classroom of each**
 11 **school in a school corporation.**

12 (b) The governing body of each school corporation may provide
 13 a daily opportunity in each classroom of the school corporation for
 14 students to voluntarily recite the Pledge of Allegiance. A student is
 15 exempt from participation in the recitation of the Pledge of
 16 Allegiance and may not be required to participate in the recitation
 17 of the Pledge of Allegiance if:

18 (1) the student chooses not to participate; or

19 (2) the student's parent chooses not to have the student
 20 participate.

21 (c) This subsection applies if the governing body of a school
 22 corporation has not adopted a policy under subsection (b). The
 23 following individuals may establish a policy that conforms with the
 24 requirements set forth in subsection (b):

25 (1) The principal of a school may establish a policy for a school
 26 building.

27 (2) A teacher may establish a policy for the teacher's
 28 classroom, if the principal of the school in which the teacher
 29 teaches has not established a policy.

30 If the governing body of the school corporation establishes a policy
 31 after a principal or teacher has established a policy, the principal
 32 or teacher must follow the governing body's policy.

33 SECTION 4. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) In order to guarantee the**
 36 **right of every pupil to the free exercise of religion within the**
 37 **schools and to subject the freedom of each individual pupil to the**
 38 **least possible pressure from the state either to engage in or to**
 39 **refrain from religious observation on school grounds, the**
 40 **governing body of each school corporation may establish the daily**
 41 **observance of a brief period of silence in each classroom of the**
 42 **school corporation.**

43 (b) The brief period of silence that subsection (a) provides is not
 44 a religious service or exercise and may not be conducted as one, but
 45 is an opportunity for silent prayer or meditation on a religious
 46 theme for those so inclined or a moment of silent reflection on the
 47 anticipated activities of the day.

48 (c) This subsection applies if the governing body of a school
 49 corporation has not adopted a policy under subsection (a). The
 50 following individuals may establish a policy that conforms with the
 51 requirements set forth in subsection (b):

1 **(1) The principal of a school may establish a policy for a school**
2 **building.**

3 **(2) A teacher may establish a policy for the teacher's**
4 **classroom, if the principal of the school in which the teacher**
5 **teaches has not established a policy.**

6 **If the governing body of the school corporation establishes a policy**
7 **after a principal or teacher has established a policy, the principal**
8 **or teacher must follow the governing body's policy.**

9 SECTION 5. IC 20-10.1-7-8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. ~~Voluntary Religious~~
11 ~~Observance = Authorized.~~ A voluntary religious observance is
12 permitted in each school corporation if the school corporation follows
13 sections 9 **and** 10 ~~and 11~~ of this chapter and any additional procedures
14 which it adopts to assure that the observance is voluntary.

15 SECTION 6. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY
16 1, 2003].

17 SECTION 7. **An emergency is declared for this act.**
18 (Reference is to EHB 1056 as reprinted March 19, 2003.)

Conference Committee Report
on
Engrossed House Bill 1056

Signed by:

Representative Goodin
Chairperson

Senator Nugent

Representative Ruppel

Senator Sipes

House Conferees

Senate Conferees